

### **REMARKS/ARGUMENTS**

This paper is submitted in response to the Office Action dated May 9, 2006. At that time, claims 1-43 were pending in the application. In the Office Action, the Examiner rejected Applicant's prior arguments against the issued restriction requirement. Instead, the Examiner reaffirmed the restriction requirement and asserted that claims 2-4, 9, 17-19,, 23, 32-33, and 39 were withdrawn from the present application as pertaining to a non-elected species. However, claims 1, 5-8, 10-16, 20-22, 24-31, 34-38 and 40-43 remain pending in the application.

In the Office Action, the Examiner rejected claims 9, 22, and 38 under the definiteness requirement of 35 U.S.C. § 112. Claims 1, 5, 8, 16, 20, 22, 28, 31, 34, 38, and 43 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,443,484 issued to Anglsperger (hereinafter "Anglsperger"). Claims 6, 7, 21, 36, and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Anglsperger in view of U.S. Patent No. 5,172,932 issued to Watanabe et al. (hereinafter "Watanabe"). Claims 10, 15, 24, 30, 40 and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over over Anglsperger in view of U.S. Patent No. 5,533,748 issued to Wirt et al. (hereafter "Wirt"). Claims 11-13, 25-27, 35 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Anglsperger in view of U.S. Patent No. 5,961,143 issued to Hlywka et al. (hereafter "Hlywka"). Claims 14 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Anglsperger in view of U.S. Patent No. 6,003,895 issued to Niwa et al. (hereafter "Niwa").

By this paper, Applicant respectfully responds to the issues raised in the Office Action. Claims 12-13 and 41 have been canceled and claims 1, 8, 22, 31, 38, 43 have been amended. Favorable consideration is respectfully requested.

#### **I. Rejection of Claims 8, 22 and 38 Under 35 U.S.C. § 112**

The Examiner rejected claims 8, 22, and 38 under § 112 as being indefinite. In accordance with the Examiner's rejection, Applicant has amended claims 8, 22, and 38 to recite the relationship between the tear seam and the narrow point. Further, the Examiner also requested clarification whether the term "narrow point" means "a cutout portion that is shaped as

a point, or the ‘point’ is merely an area of decreased thickness in the substrate.” Office Action, p. 3. Applicant submits that the specification of its application makes it clear that the term “narrow point” refers to an area of decreased thickness. Applicant submits that there is no ambiguity regarding this matter. Accordingly, claims 8, 22, and 38 satisfy the standards of § 112 and withdrawal of this rejection is respectfully requested.

**I. Claims 1, 5, 8, 16, 20, 22, 28, 31, 34, 38 and 43 are Rejected Under 35 U.S.C. § 102(b)**

The Examiner rejected claims 1, 5, 8, 16, 20, 22, 28, 31, 34, 38 and 34 under § 102(b) as being anticipated by Anglsperger. This rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Id.* (*citing Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

With respect to independent claim 16, this claim recites “a unitary applique film that is disposed on the exposed surface..., and wherein the applique film includes an emblem design aligned with corresponding contours in the substrate to produce a three-dimensional design.” The Examiner asserts that the “decorative covering 4” of Anglsperger constitutes the claimed “applique film.” However, to the extent that Anglsperger teaches an emblem, this reference clearly teaches that this emblem is on the “exposed insert 8” (see Col. 6, lines 32-35) that is added to the system via fasteners such as rivets and clips (see Col. 6, lines 43-51). Thus, to the extent that Anglsperger teaches an emblem, this emblem is not part of a unitary applique film as is required by the present claims. Withdrawal of this rejection is respectfully requested.

With respect to dependent claims 20, 22, and 28, these claims depend, either directly or indirectly from independent claim 16. Accordingly, these dependent claims are allowable over

Anglsperger for the same reasons outlined in conjunction with claim 16. Withdrawal of these rejections is respectfully requested.

With respect to independent claims 1, and 31 these claims now recite that “the applique film is free of a hole or tear seam.” Similarly, claim 43 recites that “the applique film means is free of a hole or tear seam.” Such a claim element is not disclosed by Anglsperger. Rather, to the extent that the decorative cover 4 in Anglsperger constitutes a “applique film,” this decorative cover 4 includes a hole or weakened portion. See Anglsperger, col. 5, lines 27-28 and lines 37-38. For this reason, Anglsperger does not teach or disclose all of the claim elements of claims 1, 31, and 43 and cannot anticipate these claims under § 102(b). Withdrawal of this rejection is respectfully requested.

Dependent claims 5 and 8 depend from claim 1. Claims 34 depend from claim 31. Accordingly, these dependent claims are likewise allowable for the same reason that claims 1 and 31 are allowable. Withdrawal of these rejections is respectfully requested.

### **III. Rejection of Claims 6, 7, 21, 36 and 37 Under 35 U.S.C. § 103(a)**

The Examiner rejected claims 6, 7, 21, 36, and 37 under § 103(a) based upon the combination of Anglsperger and Watanabe. This rejection is respectfully traversed.

It is well settled that if an independent claim is patentable, then all claims that depend therefrom are similarly patentable. *See MPEP §2143.03.* As noted above, independent claims 1, 16, and 31 are patentable; therefore, dependent claims 6-7, 21, and 36-37—*i.e.*, claims which depend from either claim 1, 16, or 31—are similarly allowable. Withdrawal of this rejection is respectfully requested.

Further with respect to claims 6-7, 21, and 36-37, these claim all recite elements regarding the thickness of the applique film. Apparently, the Examiner believes that Watanabe discloses these claim elements regarding the applique film thickness. Watanabe discloses an airbag cover having an “outer layer [32] formed of a soft synthetic resin.” This outer layer is not an unitary applique film in accordance with the present invention; rather, this element is a layer that is characteristic of a “two shot” molding process which is discussed in the Applicant’s specification and are contrary to the present embodiments. Specifically, these “two shot”

moldings are designed by having a softer resin molded onto a base molded from a more rigid resin. Such “two shot” molding methods are contrary to the present invention. Accordingly, there is no impetus or reason for using Watanabe as a means for rejecting the present claims. Withdrawal of this rejection is respectfully requested.

**IV. Rejection of Claims 10, 15, 24, 30, 40 and 42 Under 35 U.S.C. § 103(a)**

The Examiner rejected claims 10, 15, 24, 30, 40 and 42 under 35 U.S.C. § 103(a) based upon Anglsperger and Wirt. As noted above, each of these claims is dependent from independent claims 1, 16, or 31. Accordingly, each of these dependent claims is allowable for the same reasons that are outlined above in conjunction with the independent claims. Withdrawal of this rejection is respectfully requested.

**V. Rejection of Claims 11-13, 25-27, 35 and 41 Under 35 U.S.C. § 103(a)**

The Examiner rejected claims 11, 25-27, and 35 under 35 U.S.C. § 103(a) based upon Anglsperger and Hlywka. As noted above, each of these claims is dependent from independent claims 1, 16, or 31. Accordingly, each of these dependent claims is allowable for the same reasons that are outlined above in conjunction with the independent claims. Withdrawal of this rejection is respectfully requested.

**VI. Rejection of Claims 14 and 29 Under 35 U.S.C. § 103(a)**

The Examiner rejected claims 14 and 29 under 35 U.S.C. § 103(a) based upon Anglsperger and Niwa. As noted above, each of these claims is dependent from independent claims 1 or 16. Accordingly, each of these dependent claims is allowable for the same reasons that are outlined above in conjunction with the independent claims. Withdrawal of this rejection is respectfully requested.

Further, with respect to Niwa, the Examiner asserts that this reference teaches a cover with a “substantially transparent” film. However, as taught by Niwa, the “film 12” is designed to be positioned over the emblem or ornament 20, not an airbag cover. Accordingly, Niwa does not

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teach a substantially transparent applique film for an airbag cover, as required by the claims.  
Withdrawal of this rejection is respectfully requested.

**VII. Conclusion**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.  
If there are any remaining issues preventing allowance of the pending claims that may be  
clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

  
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